



SECTION 17.04.050

MINOR LAND DIVISIONS/COMBINATIONS

17.04.050 land divisions, combination or recombination.

A. In the minor divisions of land in terms of A.R.S. Section 9-463.02 and Section 17.04.020 of this chapter, land or lands that are proposed to be divided, combined or recombined (this includes approved platted subdivisions when such lots in a subdivision are being combined or recombined) for purposes of sale or lease into three or fewer lots or parcels do not result in a "subdivision" or "subdivided lands" as defined in A.R.S. Section 9-463. Each lot or parcel shall comply with minimum applicable town zoning requirements and have legal frontage. Legal frontage is a town accepted and maintained road/street. Any lot proposed to be created through the minor division of a parcel shall not be sold until a recorded deed and survey map showing the (split) division has been approved by the planning and zoning department as complying with all applicable provisions of this section.

B. Purpose. The purpose of this section is to provide a process to divide, combine or recombine land into, three or fewer lots, tracts, parcels, sites or divisions with a level of review to ensure the division, combination or recombination of land complies with zoning ordinances, zoning map and does not constitute a subdivision as defined by A.R.S. Section 9-463.02. This section is not intended to prohibit or prevent the division, combination or recombination of land as authorized and permitted by the Arizona Revised Statutes and the town of Eagar zoning and subdivision ordinance.

C. Applicability. The provisions of this section shall apply to all divisions, combinations or recombinations of land not considered a subdivision located within the incorporated boundary of the Town of Eagar.

D. Application. A minor land division, combination or recombination application shall be filed with the Community Development Department on a form provided by the Community Development Department.

1. Submittal and Fee.

a. Prior to the recordation of a deed dividing land into three or fewer parcels of land, or combining or recombining three or two parcels of land into one parcel, for the purpose of sale, lease, or transfer of ownership, the owner shall submit a minor land division, combination or recombination application to the Community Development Department.

b. The processing fee is set by the town of Eagar council by resolution. If application is made after the deed is recorded, the processing fee will be doubled.

2. Survey Map. A registered land surveyor (R.L.S.) shall prepare the legal descriptions and map. The map shall be of a format acceptable to the county recorder (see A.R.S. Section 11-481) and shall include:

a. A north arrow;

b. The boundaries of the section (or portion thereof) within which the minor land division lies;

c. The boundary lines of the minor land division and the lots within it, including their bearings and distances;

d. Location and width of all easements within and bordering the minor land division;

e. Width of easements and town accepted roads bordering the property.

E. Review Criteria. The deed and survey map shall conform to the requirements of all the applicable town zoning code. In addition:

1. The design, shape, size, and orientation of the tracts should be appropriate for the use, which the division is intended, and to the character of the area in which they are located,
2. If a new street is created in the division of lots, parcels or lands, then by law is a subdivision and must conform to Section 17.04.040.

F. Administrative Review. To approve a minor land division, combination or recombination (including approved platted subdivisions when such lots are being combined or recombined) the Community Development Department must find the following conditions exist:

1. Ownership of property being split, combined or recombined is demonstrated through a deed or other acceptable documents showing ownership and legal access to the parcel.
2. The newly created parcels or parcel when combined or recombined shall meet minimum development standards required by the Town Zoning Code.

G. Action by the Town Community Development Department. Upon receipt of the submitted documents, the town Community Development Department shall review them to determine their completeness. If the application is complete, it shall be date stamped showing the working day it arrived complete. If the submitted documents and information are found to be incomplete or insufficient, the applicant shall be notified of the deficiencies and informed the application will not be formally accepted for processing until the missing items are submitted. Upon receipt of the completed application, the town planning and zoning department shall:

1. Distribute the submitted application for review and comment to the appropriate departments as deemed necessary by the Community Development Director;
2. Review the submitted survey map and supplemental information to determine compliance with these ordinances and prepare its report, which shall include comments received from other departments;

3. Based on the above findings, the Community Development Director may then approve, conditionally approve, or deny the application within fifteen working days from the date a completed application was filed unless the applicant consents to an extension of the review period in writing;

4. Where the resulting parcel (s) do not meet the review criteria and the survey has been recorded, the town may, have a notice of code violation recorded with Apache County Recorder's Office. Nothing herein shall be construed to create a right or expectation of such approval and no building or use permit may be issued by the town, until the parcel has met the review criteria. It shall be the responsibility of the landowner to remedy all deficiencies.

H. Approval. If the Community Development Director approves the application, he or she shall enter the following certification on the approved record of survey:

I, _____, Community Development Director of the Town of Eagar, certify that this plat creates a minor land division and or the combining or recombining of lots subject to and approved in accordance with the Town of Eagar Subdivision Ordinance.

Date _____ Community Development Director _____.



TOWN OF EAGAR

MINOR LAND DIVISION/COMBINATION APPLICATION

This application is for a: ____ Land division ____ Land combination

APPLICANT

Name: _____

Mailing Address: _____

Contact Person: _____

Phone: _____ Fax _____

E-mail: _____

SUBMITTAL CHECKLIST

Minor Land Division/Combination Application.

A non-refundable processing fee.

A survey map and legal description that has been prepared by a Registered Land Surveyor.

All required deeds and easements.

PROPERTY INFORMATION

Assessor's Parcel # _____

Subdivision _____

minor

Lot # _____

Zoning _____

Address/Location: _____

All

Lot Size: _____

Existing Frontage and Utility Easements

Minor Land Division/

Combination Request

Please provide a brief description of the request.

CERTIFICATION & SIGNATURE

In accordance with the definition contained in the Arizona Revised Statutes Section 9-463.02, any

land division which are the result of any individual creating 3 or less parcels qualifies for consideration under Section 17.04.050 as a minor land division.

other land divisions not meeting these requirements are a subdivision and must meet all the requirements in Title 17, Subdivisions in the Town of Eagar Code.

I here by certify that there is legal frontage on all parcels created.

Signature of applicant:

_____ Date: _____

Official Use Only

Received By _____	Date _____	Planning & Zoning Action
Receipt# _____	Fee _____	Approved _____ Denied _____
Permit# _____	Comments: _____	

1/19/2010

Signature _____ Date: _____



TOWN OF EAGAR

MINOR LAND DIVISION/COMBINATION APPLICATION

NEW PARCELS

--PARCEL #1--

LEGAL DESCRIPTION OF NEW PARCEL #1: _____

PROPOSED ACCESS AND UTILITY EASEMENTS: _____

--PARCEL #2

LEGAL DESCRIPTION OF NEW PARCEL #2: _____

PROPOSED ACCESS AND UTILITY EASEMENT: _____

--PARCEL #3--

LEGAL DESCRIPTION OF NEW PARCEL #3: _____

PROPOSED ACCESS AND UTILITY EASEMENT: _____
